

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JOHN M. GREEN,

Plaintiff,
v.

Case No. 08-CV-998

MICHAEL J. ASTRUE, Commissioner of Social Security,

Defendant.

ORDER

On November 20, 2008, plaintiff John Green ("Green") filed a complaint seeking judicial review of a final administrative decision denying Green's claim for disability benefits. In addition to his complaint, Green also filed a motion for leave to proceed *in forma pauperis*. The court will deny Green's motion.

The federal *in forma pauperis* statute, 28 U.S.C. § 1915, is designed to ensure indigent litigants meaningful access to the federal courts. *Neitzke v. Williams*, 490 U.S. 319, 327 (1989). To authorize a litigant to proceed *in forma pauperis*, the court must first determine that the litigant is unable to pay the costs of commencing the action. 28 U.S.C. § 1915(a). Second, the court must determine that the action is neither frivolous nor malicious, does not fail to state a claim, and does not seek money damages against a defendant immune from such relief. 28 U.S.C. § 1915(e)(2).

Green submits an affidavit in which he declares under penalty of perjury that he has a monthly income of \$2,527.00 and incurs \$2,446.00 in monthly expenses. Based on his affidavit, the court finds that he is able to pay the costs of commencing

the action. Though Green claims expenses nearly totaling his income, the court finds his stated expenses to be questionable. Green claims monthly car payments of \$338.00 on his 1997 Buick Park Avenue, which is worth \$3,000.00. He also claims \$508.00 per month for "Gas-car maintenance-insurance" in addition to his car payment. Further, Green claims monthly payments of \$250.00 for utilities and \$150.00 for his cell phone. Finally, Green claims \$200.00 per month for "entertainment, incidentals, laundry." Regardless of Green's claimed expenses, his yearly income totals more than \$30,000 and he has no dependents. Therefore, Green is able to pay the \$350.00 filing fee and does not need his legal action subsidized by the taxpayers.

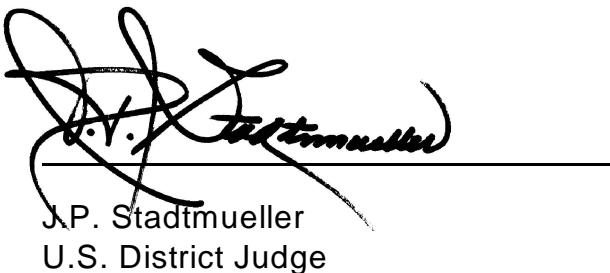
After evaluation of Green's income and expenses, the court concludes that he is ineligible to proceed *in forma pauperis*. Therefore, the court will deny Green's motion.

Accordingly,

IT IS ORDERED that the plaintiff's motion for leave to proceed *in forma pauperis* (Docket #2) be and the same is hereby **DENIED**.

Dated at Milwaukee, Wisconsin, this 16th day of December, 2008.

BY THE COURT:



J.P. Stadtmauer
U.S. District Judge